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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,557	04/27/2001	Shawn Gettmy	PALM-3633.US.P	3025
7590	03/29/2004		EXAMINER	
WAGNER, MURABITO & HAO LLP			BELL, PAUL A	
Third Floor			ART UNIT	PAPER NUMBER
Two North Market Street				
San Jose, CA 95113			2675	
DATE MAILED: 03/29/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/844,557	GETTEMY ET AL.
	Examiner	Art Unit
	PAUL A BELL	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 December 2003.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.  
 5) Claim(s) 13-20 is/are allowed.  
 6) Claim(s) 7-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon (6,229,695) in view of Nishimura (3,914,021).

With regard to claim 7 Moon teaches a hand held device comprising a touch panel display (figure 2, item 60) and a carrier frame (figure 2, item 40), said carrier frame comprising at least one frame contact for establishing contact with a touch panel, said frame contact having an upper end and a lower end (since figure 2 item 40 has a lot of points of contact at the upper side and lower end side it reads on this broad language); wherein said upper end resides at least in part within the touch panel display mounting surface (figure 2, items 60 and 40) and said lower end is electrically accessible by circuits resident within the confines of said carrier frame (figure 2, items 70, 72 and 74).

Moon does not teach that that his frame contact is a, "electrically conductive frame contact".

Nishimura teaches, a frame with an, "electrically conductive frame contact" for the display (See figure 3, items 54, 57, and 55 ).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Moon apparatus to have frame contacts that are electrically conductive because Nishimura teaches motivation for doing this (See Nishimura abstract, column 1, lines 25-40, lines 54-58.

With regard to claim 8 the combination of Moon and Nishimura teaches the hand held device of claim 7 wherein said carrier frame comprises a dielectric insert block (See Moon figure 2 item 50).

With regard to claim 9 the combination of Moon and Nishimura teaches the, hand held device of claim 8 wherein said carrier frame comprises a metal (See Moon figure 2, item 48)l.

With regard to claim 10 the combination of Moon and Nishimura teaches 10 the hand held device of claim 7 wherein said frame contact is press fit (See Moon figure 2 illustrates parts that are press fitted together)

With regard to claim 11 the combination Moon and Nishimura teaches the hand held device of claim 7 wherein said frame contact is molded into said carrier frame (See Moon figure 2 illustrates one solid structure for part 40 therefore it reads on molded).

With regard to claim 12 Moon teaches the hand held device of claim 7 comprising a plurality of frame contacts distributed over said touch panel display mounting surface (See Moon figure 2, item 60 and 40 show many contact points).

#### **Allowable Subject Matter**

3. Claims 13-20 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: With regard to claim 13 the prior art of record in this case does not teach or suggest the feature, "wherein said visible non-transparent conductive pattern and said adhesive dielectric spacer have an approximately **equal visual homogeneous appearance**". The applicant's specification on page 7, lines 17-20, provided statements of motivation and criticality such as, "A further reduction in size is obtained by providing an inherent visually homogeneous perimeter for the touch panel display **by matching the colors** of the conductive and dielectric material, thereby eliminating the need for a bezel".

***Response to Arguments***

5. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Election/Restrictions**

7. This application contains claims 1-6 drawn to an invention nonelected with traverse in Paper No. 4 received 6/13/2003. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.

If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or Faxed to: (703) 872-9314 (for Technology Center 2600 only)

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor  
(Receptionist)

*Paul Bell*  
Paul Bell  
Art unit 2675  
February 15, 2004

*Steven Saras*  
STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600